

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRED WHELAN and MEGAN ELLIS, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

DILIGENT CORPORATION,

Defendant.

Case No. 1:22-cv-07598-AT

**PLAINTIFFS' NOTICE OF  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Plaintiffs Fred Whelan, Jr., and Megan Ellis, on behalf of themselves and all others similarly situated, hereby move this Court for an Order granting preliminary approval of the parties' proposed class action settlement in this matter under Federal Rule of Civil Procedure 23.

Attached to this motion are: (1) Plaintiffs' Memorandum of Law in Support of Their Motion for Preliminary Approval of Class Action Settlement; (2) the Declaration of Raina C. Borrelli; and (3) a proposed Order granting preliminary approval.

Dated: June 26, 2023

Respectfully submitted,

By: /s/ Raina C. Borrelli

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*Attorneys for Plaintiffs and the Proposed Class*

**CERTIFICATE OF SERVICE**

I, Raina C. Borrelli, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

/s/ Raina C. Borrelli

Raina C. Borrelli